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Attorneys for Defendants
GUIDANT CORPORATION, GUIDANT SALES
CORPORATION, CARDIAC PACEMAKERS, INC.,
and BOSTON SCIENTIFIC CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

FRANCIS MCCONVILLE and VIRGILIO
RABUCO,

Plaintiffs,

vs.

GUIDANT CORPORATION; GUIDANT
SALES CORPORATION; CARDIAC
PACEMAKERS, INC.; BOSTON SCIENTIFIC
CORPORATION; ALTA BATES SUMMIT
MEDICAL CENTER; and Does 1 through 100,
inclusive,

Defendants.

Case No. C 06-05151 WDB

**SECOND STIPULATION AND [PROPOSED]
ORDER TO CONTINUE PRETRIAL
DEADLINES**

IT IS HEREBY STIPULATED by and between the parties through their designated counsel
that all pretrial proceedings, including the December 21, 2006 case management conference, be
continued.

Defendants Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., and
Boston Scientific Corporation's (collectively "Guidant") contends a continuation of pretrial
deadlines is appropriate because this action should be transferred to the District of Minnesota and

1 consolidated with *In Re Guidant Corp. Implantable Defibrillators Products Liability Litigation*,
2 MDL-1708, for pretrial proceedings.

3 The parties previously stipulated to a continuation of pretrial deadlines in light of Guidant's
4 intention to seek transfer of this case to the MDL and in light of Plaintiffs' intention to seek remand
5 to state court. On August 31, 2006, this Court entered the parties' stipulation extending Guidant's
6 deadline to file responsive pleadings, and continuing the scheduled case management conference
7 from November 20, 2006 to December 21, 2006. A copy of the August 31, 2006 Stipulation and
8 Order is attached as Exhibit A.

9 On September 5, 2006, Plaintiffs filed a Motion to Remand this case to Superior Court,
10 which Guidant opposed. On September 11, 2006, the Judicial Panel on Multidistrict Litigation
11 ("JPML") issued Conditional Transfer Order ("CTO") 18, which conditionally transferred this case
12 to the District of Minnesota for inclusion in the coordinated multidistrict litigation proceedings under
13 28 U.S.C. § 1407 being conducted by the Honorable Donovan W. Frank ("MDL Court"). Plaintiffs
14 filed a Motion and Brief to Vacate CTO 18 with the JPML on September 19, 2006, which Guidant
15 opposed, and briefing is now complete on the Motion to Vacate.

16 To allow time for the JPML to rule on whether this action will be transferred, this Court
17 vacated and continued the hearing on Plaintiffs' Motion to Remand on September 28, 2006. Other
18 existing pretrial deadlines, however, were not vacated. A copy of this Court's September 28, 2006
19 Order is attached as Exhibit B.

20 Plaintiffs' Motion to Vacate CTO 18 was considered by the JPML at a hearing session on
21 November 30, 2006. The parties expect that the JPML will issue a ruling on Plaintiffs' opposition to
22 CTO 18 within two to three weeks after the hearing. Because issues regarding the transfer of this
23 case by the JPML are expected to be resolved in the upcoming weeks, the parties request that
24 existing pretrial deadlines be continued further. Pursuant to this Court's instructions, within five
25 court days after the JPML rules, counsel for Plaintiffs will file a notice of the JPML's decision.

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The December 21, 2006

IT IS SO STIPULATED that all pretrial deadlines are continued.
Case Management Conference is continued to February 22, 2007 at 3:00 P.M.

DATED: December 4, 2006

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

By: Sara J. Romano
DANA N. GWALTNEY
SARA J. ROMANO

Attorneys for Defendants
GUIDANT CORPORATION, GUIDANT SALES
CORPORATION, CARDIAC PACEMAKERS, INC.
and BOSTON SCIENTIFIC CORPORATION

DATED: December __, 2006

Respectfully submitted,

GILLIN, JACOBSON, ELLIS & LARSEN

By: _____
LUKE ELLIS
KRISTIN LUCEY

Attorneys for Plaintiffs
FRANCIS MCCONVILLE and VIRGILIO RABUCO

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: 12/5, 2006

/s/ Wayne D. Brazil

THE HONORABLE WAYNE D. BRAZIL

1 IT IS SO STIPULATED that all pretrial deadlines are continued.

2
3 DATED: December __, 2006

Respectfully submitted,

4 SHOOK, HARDY & BACON L.L.P.


5
6 By: _____
DANA N. GWALTNEY
SARA J. ROMANO

7
8 Attorneys for Defendants
GUIDANT CORPORATION, GUIDANT SALES
9 CORPORATION, CARDIAC PACEMAKERS, INC.
and BOSTON SCIENTIFIC CORPORATION

10
11 DATED: December 4, 2006

Respectfully submitted,

12 GILLIN, JACOBSON, ELLIS & LARSEN

13
14 By: 
LUKE ELLIS
KRISTIN LUCEY

15
16 Attorneys for Plaintiffs
FRANCIS MCCONVILLE and VIRGILIO RABUCO

17
18
19 **ORDER**

20 Pursuant to stipulation, IT IS SO ORDERED.

21
22 Dated: _____, 2006

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THE HONORABLE WAYNE D. BRAZIL

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UNITED STATES DISTRICT COURT
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FRANCIS MCCONVILLE and VIRGILIO
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GUIDANT CORPORATION; GUIDANT
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MEDICAL CENTER; and Does 1 through 100,
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Defendants.

Case No. C 06-05151 WDB

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I, Sharon Teater, am employed in the City and County of San Francisco in the State of California. I am over the age of eighteen years and not a party to the within action. My business address is Shook, Hardy & Bacon L.L.P., 333 Bush Street, Suite 600, San Francisco, California 94104.

I am readily familiar with the business practices of this office for collection and processing of documents for mailing with the United States Postal Service, which is that correspondence for mailing is collected and deposited with postage pre-paid, on the same day in the ordinary course of business. On December 4, 2006, I caused the following to be served:

SECOND STIPULATION AND [PROPOSED] ORDER TO CONTINUE PRETRIAL DEADLINES

on the parties in this action by placing a true copy thereof in a sealed envelope addressed and delivered as follows:

COUNSEL FOR PLAINTIFF (SERVED VIA COURT'S E-FILING SYSTEM, NO HARD COPY MAILED):

Luke Ellis
Kristin Lucey
GILLIN, JACOBSEN, ELLIS & LARSEN
2 Theatre Square, Suite 230
Orinda, California 94563
Telephone: (925) 253-5800
Facsimile: (925) 253-5800

I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California on December 4, 2006


SHARON TEATER